

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

INSTITUTO DE EDUCACION UNIVERSAL
Plaintiff

v.

UNITED STATES DEPARTMENT OF
EDUCATION
Defendant

CIVIL NO. 98-2225 (RLA)

**DEFENDANT'S OPPOSITION TO MOTION FOR RECONSIDERATION
OF ORDER DENYING WITHDRAWAL OF COUNSEL**

TO THIS HONORABLE COURT:

COMES NOW, the Defendants, the United States Department of Education (Department), and its Secretary, Richard Riley, represented by its undersigned attorneys and, respectfully STATES and PRAYS:

1. The government opposes reconsideration (docket #75) of this Court's November 5 order denying IEU's counsel leave to withdraw as counsel. Granting such a motion would leave IEU unable to file any pleadings, motions, or other documents in this case until it is able to secure new legal counsel. As we explain in our opposition (docket #77) to the pending petition seeking injunctive relief submitted by Mr. Ruiz (docket #73), IEU may only appear and file documents through legal counsel because IEU is a corporate entity and therefore not a natural person that may appear pro se. Mr. Ruiz may not file documents on IEU's behalf even as an officer of the corporation and Mr. Ruiz cannot file on his own behalf because he is not a party in this case (Mr. Ruiz withdrew his appeal to the First Circuit while this Court's prior judgment was on appeal. Consequently, that prior

judgment is final as against Mr. Ruiz, who no longer is a party with a live claim in this case).

2. The United States respectfully request this Honorable Court to deny reconsideration, but grant leave to IEU's counsel to reassert his motion to withdraw sixty days after the order denying reconsideration.
3. Additionally, the United States request this Honorable Court to enter order against plaintiff IEU to make good-faith and immediate attempts to secure new legal counsel and, if IEU is unable to secure such counsel, order that an officer of the corporation submit an affidavit documenting such attempts to the Court (through IEU's current counsel) sixty days after the order denying reconsideration. Such a course would both preserve IEU's ability to appear and file documents before this Court and would facilitate the acquisition of new counsel for IEU.

WHEREFORE, the United States respectfully requests this Honorable Court to dismiss the Injunctive Relief Petition filed by Plaintiff.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to Migdali Ramos Rivera, Esq., Maria L. Santiago Ramos, Esq, and Gregory T. Usera, Esq. and that a copy of the foregoing document was mailed to pro se litigant, Angel. Ruíz Rivera, First Class Return Mail, P.O.Box 191209, San Juan, PR 00919-1209.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 30th day of November 2004.

H.S. GARCIA
United States Attorney

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